

Tuesday, November 24, 2020

Robert A. Moore
Ouachita Parish Correctional Center
3576 Highway 371
P.O. Box 497
Ringgold, Louisiana 71068

**Re: Louisiana Board of Ethics
Docket No. 2020-731**

Dear Mr. Moore:

The Louisiana Board of Ethics ("Board"), at its December 4, 2020 meeting, considered your request for approval of a Disqualification Plan regarding Billy Abner's service as Streets Superintendent while his son, Jeremy Abner, is a full time employee to be supervised by his father. In connection with Billy Abner's promotion and his son being supervised by him, you have submitted a Disqualification Plan to ensure that the promotion does not violate the Louisiana Code of Governmental Ethics ("Code").

FACTS PROVIDED

Billy Abner ("B. Abner") has been employed by the Town of Arcadia ("Town") for over twenty (20) years. B. Abner was appointed to the position of Streets Superintendent by Mayor O'Landis Millican. His son, Jeremy Abner ("J. Abner"), is also employed by the Town. In July 2020, J. Abner was promoted to full time with the Town's Public Works department, splitting his time between the Water Department and the Street Department (under his father). The Town's Public Works Department has less than eight (8) employees total.

In order to prevent any violation of La. R.S. 42:1112(B)(1), Mayor Millican proposed a disqualification plan, wherein: 1) J. Abner would report on a day-to-day basis to B. Abner while performing work in the Street Department; 2) Mayor Millican, not B. Abner, would be responsible for discipline, approval of leave, adjustments to salary and benefits, promotions/demotions, and other approvals or authorizations related to J. Abner; and, 3) B. Abner will be required to report any employment issues with J. Abner to Mayor Millican, should they arise.

LAW

La. R.S. 42:1112(B)(1) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1112(C) allows a disqualification plan to be developed in accordance with rules adopted by the Board to remove a public servant from participating in transactions that would otherwise present violations of Section 1112 of the Code.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Board approves the Disqualification Plan as submitted. The Board has concluded that the Disqualification Plan is sufficient to prevent any violation of La. R.S. 42:1112(B)(1).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board

DISCLAIMER
This is a draft opinion and it is NOT an opinion of the Louisiana Board of Ethics. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.